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United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6443	DATE	2/4/08
CASE TITLE	U. S. ex rel. Tony Thomas (B-35507) v. Terry McCann		

DOCKET ENTRY TEXT:

Petitioner Tony Thomas has paid the \$5 filing fee. [10] His motion to proceed in forma pauperis [9] is denied as moot. Petitioner's motion to stay the instant 28 U.S.C. § 2254 proceedings while he exhausts state court remedies with respect to some of his claims [5] is granted. *See Arrieta v. Battaglia* 461 F.3d 861, 866 (7th Cir. 2006); *see also Dolis v. Chambers*, 454 F.3d 721, 725 (7th Cir. 2006). Once Petitioner has exhausted his claims, he may resume the instant proceedings by submitting both: (1) an amended 28 U.S.C. § 2254 petition stating all the claims he seeks to raise in this case, and (2) a request that the Court lift the stay to allow this case to proceed forward. The Respondent is directed to file an appearance only. The clerk is directed to mail a copy of this order to both the petitioner and to the Illinois Attorney General's Office, Chief of Criminal Appeals, 100 W. Randolph St., 12th Floor, Chicago, IL 60601.



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In The

United States District Court
Northern District of Illinois

07CV6443

JUDGE NORGLÉ

MAG. JUDGE SCHENKIER

FILED

NOV 14 2007

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MICHAEL W. DOBBING
CLERK, U.S. DISTRICT COURT

Case No. of State Court, Conv.

NO. 01 CR 25695

Tony Thomas,

Petitioner,

V.

Warden Terry L. McCann

Respondent

Motion to stay the proceedings and
Hold in Abeyance petition for writ of
Habeas Corpus. And Leave to Amend
Petition At the Conclusion of current
State Court proceedings.

Now comes the petitioner, Tony Thomas, Pro se,
and respectfully moves this Honorable Court to

-- Stay the proceedings and hold in abeyance the instant petition for a Writ of Habeas Corpus Relief until Petitioner has exhausted his state court remedies. Additionally, the Petitioner respectfully requests that this Honorable Court grant him leave to Amend the attached petition for A Writ of Habeas Corpus until at the conclusion of the state court proceedings currently pending before the Illinois, Cook County Circuit Court.

1. The Petitioner was convicted of the offenses of First Degree Murder with a Firearm. Following a jury trial in the Circuit Court of Cook County, and sentenced to a term of 75 years in the ILL. Dept of Corrections. His state court case number is 01 CR 25695.

2. The petitioner filed a timely Notice of Appeal and the First Dist. Appellate Court

Affirmed on, People v. THOMAS, NO. 1-02-3757, June 17, 2004

3. The Petitioner raised claims on Appeal that he is now bringing before this Honorable Court in the attached Petition for Writ of Habeas Corpus.

4. The Ill. Supr. Court denied the petitioner's Petition for Leave to Appeal on ~~November~~ 29, 2004 (People v. THOMAS # 98848).

5. Thomas subsequently filed a Petition for Post-Conviction Relief to the Circuit Court of Cook County on April 27, 2005, alleging His actual innocence and 5 other claims of ineffective assistance of Counsel in Violation of his 6th and 14th amendments rights to the United States Const.

6. The Circuit Court dismissed said Post Conviction Relief with out a hearing, and without giving the Petitioner a lawyer. on May 4, 2005. Notice of Appeal was filed on May 27, 2005.

7. The First District Appellate Court affirmed on Feb. 7, 2007

8. The Ill. Supreme Court denied the Petitioner's Petition for leave to appeal on June 1, 2007.

9. The Petitioner is unable at this time to assert in the attached Petition for writ of Habeas Corpus, All the violations of his Constitutional Rights, Because he has filed a Successive Post Conviction Based on Newly Discovered evidence.

10.

Wherefore, The petitioner requests that this Honorable District Court hold the instant Petition in abeyance, and stay the proceedings pending the resolution of the state court post conviction matter, and allow him to amend the instant petition at the conclusion of the state court determinations. Pursuant to Rule 4 of the Rules Governing sec. 225C/

Respectfully Submitted,

Tony Thomas

Tony Thomas, Pro Se

B-35507

Stateville

P.O. Box 112

Joliet Ill, 60434.

I, Tony Thomas, do hereby swear under the penalty of perjury, that all facts and information contained in this motion are true.

Tony Thomas.